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The United Nations and Decolonization

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When the representatives of 51 States assembled in San Francisco to draft the United Nations Charter, few could have foreseen that 25 years later their number would have increased to 126 or that the international political scene would have been radically changed by one of the most remarkable developments of our time—the emergence from colonial status of hundreds of millions of people, inhabiting 20 per cent of the world's land area.

The forces which brought about this emancipation were set in motion by the Second World War and were not, of course, the product of the San Francisco Conference, at which only a small minority of African and Asian countries were represented. But the Charter, even though it reflects the diverse interests of its drafters, from the outset involved the United Nations in the struggle to eliminate colonialism by committing its Members to uphold the principle of self-determination and of equal rights for all peoples and to promote human rights and fundamental freedoms. Thus committed, the United Nations was logically destined to espouse the claims of the dependent peoples and to play an important role in the process of decolonization. That role has been primarily to act as a catalyst for the forces of anti-colonialism, providing them with impetus, cohesion and direction. At the same time, the United Nations can rightfully claim that the peaceful transition from colonial status to independence in many former dependent Territories has been largely due to its constructive intervention.

Provisions of the Charter

United Nations actions in the field of decolonization spring directly from the Charter which, as drafted in 1945, made a distinction between colonial Territories in general and a special category of Territories, known as Trust

Territories, for which the United Nations was assigned a supervisory role. As regards the former, Chapter XI of the Charter, entitled the "Declaration regarding Non-Self-Governing Territories", provided that Members of the United Nations administering Territories whose peoples had not yet attained a full measure of self-government recognized the principle that the interests of the inhabitants are paramount and accepted as a sacred trust the obligation to promote to the utmost their well being. To this end, the administering Powers pledged themselves to ensure the political, economic, social and educational advancement of the inhabitants of those Territories, to develop self-government and to assist the dependent peoples in the progressive development of free political institutions, according to the particular circumstances of each Territory and their varying stages of development.

For the second category of Territories, the Charter provided in Chapters XII and XIII for the creation of the International Trusteeship System and for a special organ, the Trusteeship Council, to supervise on behalf of the United Nations the administration of such Territories with a view to their attainment of self-government or independence. With respect to Trust Territories, firm guide-lines and procedures for supervision were laid down in the Charter and the co-operation of the Administering Authorities was guaranteed through bilateral Trusteeship Agreements. Because of this and because the objectives of the International Trusteeship System were clearly stated in the Charter, the task of the United Nations was relatively simple; in fact, the main problems which arose related to the pace of evolution towards self-government or independence. The success of the International Trusteeship System can be seen today in the fact that nine of the eleven Territories placed under Trusteeship have either become independent or have chosen to join an independent State.

In the case of colonial Territories, as distinguished from Trust Territories, the task of the United Nations was more difficult. Apart from a commitment entered into by administering Powers to furnish information concerning conditions in Non-Self-Governing Territories administered by them, the Charter contained no provisions for overseeing compliance with the obligations assumed by those Powers under Chapter XI and procedures had to evolve over the years to establish an acceptable method of international supervision. Thus, from 1946 onwards, one can discern the gradual assertion by the General Assembly of its competence with regard to the Non-Self-Governing Territories. Broadly speaking, the course taken by the Assembly between 1946 and 1960 was first to define the scope, nature and procedures relating to the transmission of information, then to establish its competence to examine the information transmitted by administering Powers and to make recommendations on conditions in the Territories and finally to assert its competence to determine whether or not a Territory was Non-Self-Governing within the context of Chapter XI of the Charter. Not all Members accepted these decisions, as we shall see in the case of Territories under Portuguese administration.

In the meantime, important developments were taking place in the international scene which greatly affected attitudes towards the question of decolonization. Within the United Nations, the adoption of the Universal Declaration of Human Rights and the changing composition of the Organization's membership resulting from the admission of former Non-Self-Governing Territories as they attained independence created a sharper awareness of the incompatibility

of colonialism with the purposes and principles of the Charter. At the same time, the Bandung Conference of 1955, at which 29 African and Asian States pledged themselves to struggle for decolonization, marked the emergence of a new unity and militancy among the anti-colonial Powers which, in Africa, was further consolidated by the conferences of African Heads of State and Government leading to the formation of the Organization of African Unity. By 1960, a year which witnessed the admission to membership in the United Nations of seventeen newly independent States, sixteen of them African, the former colonial nations had not only gained significant voting power in the General Assembly but had united their efforts together with other African and Asian States in the pursuit of common goals.

Declaration on Decolonization and the Special Committee

The adoption, at the end of 1960, of the historic Declaration on the Granting of Independence to Colonial Countries and Peoples marked the beginning of a new and more urgent approach to the problem of decolonization. Although some thirty Trust and Non-Self-Governing Territories had already attained self-government or independence since 1945, it was evident to many Members that progress towards complete emancipation was too slow and should be accelerated. Accordingly, the General Assembly proclaimed in the Declaration the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations. It declared that the subjection of peoples to alien domination and exploitation constituted a denial of fundamental human rights and was contrary to the Charter and an impediment to the promotion of world peace and co-operation. The Assembly asserted that all peoples had the right to self-determination and that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying their independence. Immediate steps should therefore be taken in all Territories which had not yet attained independence to "transfer all powers to peoples of those Territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom".

Resolutions of the General Assembly have moral force, particularly when, as in the case of the Declaration, the overwhelming majority of Member States have voted for them but, apart from action by the Security Council, there is no provision in the Charter for enforcement. Having adopted the Declaration, the Assembly had next to exert pressure on administering Powers to obtain their compliance. To assist it in this task, the Assembly in 1961 established a Special Committee to examine the application of the Declaration and make suggestions and recommendations on the progress and extent of its implementation.

The Special Committee, composed of twenty-four Member States, has become, aside from the General Assembly itself, the principal United Nations body dealing with the broad question of decolonization. Meeting almost continuously between Assembly sessions, it follows closely developments in all the Non-Self-Governing Territories, receives petitions and hears petitioners and, where appropriate, undertakes detailed studies of factors which affect the progress

of decolonization. In carrying out its task, the Special Committee has laid particular emphasis on receiving first-hand information from the Territories, either by sending out visiting groups or by accepting invitations to hold meetings in African capitals. Although it has been the desire of the Committee to visit the colonial Territories themselves in order to study the problems on the spot, it has for the most part been unable to do so owing to the negative attitude of many administering Powers. By holding meetings in close proximity to colonial Territories in Africa, however, it has been able to facilitate the appearance before it of representatives of national liberation movements who would otherwise have found it impossible to travel to New York. These meetings have had the dual effect of making the colonial peoples in Africa aware of United Nations support for their struggle to attain freedom and independence and of acquainting the Committee with the realities of the situation, thereby enhancing its capacity to assist the colonial peoples in realizing their aspirations.

By its tireless efforts and voluminous reports the Special Committee, commonly known as the Committee of 24, has helped to bring about a much more vigorous and concerted approach to the problem of decolonization in the United Nations and a greater realization among those Member States not directly concerned of the seriousness and complexity of the problems involved. One of its important contributions has been to draw attention to the decisive role of foreign financial and economic interests in bolstering the colonial régimes and impeding the implementation of the Declaration. Viewed in this broader light, the solution of the problem of decolonization involves not only convincing the administering Powers of the need for change, but of inducing all Member States to co-operate by preventing their nationals from exploiting the colonies for profit.

Four Broad Categories of Action

United Nations action since 1960 to eradicate colonialism falls into four broad categories. In the first place there has been a marked intensification of moral persuasion in the form of repeated recommendations and appeals addressed to the administering Powers. Secondly, there has been resort to coercive action through the intervention of the Security Council and by calling upon States and international institutions to withhold assistance from the colonialist régimes. Thirdly, the United Nations has sought to provide moral and material aid to the colonial peoples in their struggle for independence by urging Member States to provide direct assistance and by enlisting the help of the specialized agencies and other international institutions, particularly with regard to the needs of refugees; in this connexion, one must also mention the existence of several scholarship programmes furnished by or through the United Nations for training persons from colonial Territories in administrative and other skills. Finally, the United Nations has sought to arouse world public opinion by using mass communications media to disseminate information on the plight of the colonial peoples, especially in southern Africa, and their struggle for liberation.

An important departure in the United Nations approach to colonial questions occurred in 1965 when the Assembly, confronted with a rapidly deteriorat-

ing situation in southern Africa, established three fundamental principles. First, it affirmed that the continuation of colonial rule, as well as *apartheid* and all forms of racial discrimination, are a threat to international peace and security; secondly, it affirmed that these constitute a crime against humanity; and thirdly it recognized the legitimacy of the struggle of colonial peoples to exercise their right to self-determination and independence. These principles have subsequently served as a basis for appeals for action by the Security Council and for requests addressed to all States, specialized agencies and other international institutions to provide moral and material support for the colonial peoples in their struggle for restoration of their inalienable rights.

Varied Response by Administering Powers

The response of the administering Powers to the efforts of the United Nations to bring about decolonization has varied depending upon the factors involved: for example, the existence or absence of economic or strategic interests in the Territories concerned; the presence or otherwise of a settler community; and ability or inability of the inhabitants of the Territories to subordinate local differences in order to attain a common goal. In some cases, the response has been positive and occasionally the administering Powers have turned to the United Nations for assistance in preparing the Territories for independence and in attesting to the impartiality of popular consultations. Thus, the United Nations has on several occasions been called upon to supervise or oversee the conduct of critical elections or of constitutional consultations at which the inhabitants of a Territory were asked to determine their future. For example, since 1960 United Nations observer teams have been present at elections and referenda leading to self-determination or independence in Western Samoa, Rwanda, Burundi, the Cook Islands and Equatorial Guinea.

In other cases, the response of the administering Powers has been less positive, or even completely negative and defiant. In the latter category, particular mention must be made of the remaining Non-Self-Governing Territories in southern Africa where powerful vested interests have combined to form a bastion against the winds of change. Although the struggle to eliminate colonialism is by no means won in other parts of the world, it is in southern Africa, where repression and racial discrimination has led to armed resistance and threatens international peace and security, that the United Nations faces the most serious challenge to its authority and to the principles which it is pledged to uphold. In this connexion, one cannot fail to recall that, had the responsible administering Powers heeded earlier recommendations and appeals by the United Nations, the situation in southern Africa might have evolved very differently.

The nine years which have elapsed since the General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples have seen the emergence from dependent status of a further twenty-six Territories, with a total of nearly 53 million inhabitants, of which twenty-two have been admitted to membership in the United Nations. There are grounds for hoping, moreover, that another Territory, Fiji, may also attain full self-government within the near future.

Forty-five Non-Self-Governing Territories Remain

There remain today 45 Territories containing approximately 28 million people who still live under alien rule. The majority—about 18 million—inhabit Territories in southern Africa which are discussed separately below. The other Territories, which are scattered widely around the world, in many cases present special problems due, among other things, to the smallness and isolation of some, the fact that certain Territories are the subject of conflicting claims to sovereignty or are of special interest to certain Governments for geographical, historical or other reasons. There are, for example, the particular problems of small islands or island groups such as Pitcairn, with only 92 inhabitants, or the Cocos (Keeling) Islands, with a population of under 700. There are also the particular problems of such Territories as Gibraltar and the Falkland (Malvinas) Islands, where questions of sovereignty are involved. Such problems call for special solutions which take account of the circumstances peculiar to the Territory concerned. That is why the Committee of 24 and the General Assembly have laid particular stress on the need to send visiting missions to obtain first-hand information on the political, economic and social situation in the small Territories and on the wishes and aspirations of the inhabitants. It is the opinion of many Members of the United Nations that the reluctance of the administering Powers concerned to extend their co-operation by permitting access to the Territories has hampered the work of the Committee of 24, and, in some cases, may well be delaying the process of decolonization.

Special Problems of Southern Africa

The most critical problem of decolonization concerns, however, the Territories in southern Africa, and, by extension, the other Territories elsewhere ruled by Portugal. Legally, the questions of Namibia, Southern Rhodesia and the Portuguese-ruled Territories of Angola, Mozambique and Guinea, called Portuguese Guinea, are different, but in political and humanitarian terms the issues are fundamentally the same. In each case, defiant rejection of the basic principles of the Charter, refusal to accept the authority of the United Nations, racial discrimination and denial of the fundamental and inalienable rights of the African inhabitants has led to armed resistance which threatens to engulf that part of Africa in racial war. In each case, decolonization is opposed by powerful vested interests in the form of large settler minorities and in four of the five Territories the problem is further complicated by the fact that their economic wealth, particularly in minerals such as diamonds, copper, nickel and petroleum, has resulted in major capital investment by important companies of diverse nationality. Another element is the fact that Angola, Mozambique, Southern Rhodesia and Namibia, together with South Africa, occupy the southern extremity of Africa and form a last stronghold of white supremacy in an emergent Africa. Inevitably, as has already happened in respect to the presence of South African security forces in Southern Rhodesia, the minority régimes tend to co-operate in order to perpetuate their domination.

It is not my intention in the present article to discuss in detail the long history of United Nations efforts to cope with the problems of decolonization in southern Africa which has been amply described in previous articles. In the

case of Namibia, the problem strikes directly at the foundations of the United Nations since it involves not only the application to the Territory of *apartheid*, the most virulent form of racial discrimination, but also open defiance by South Africa both of the General Assembly and of the Security Council in violation of its Charter obligations. It will be recalled that, after endeavouring for years to induce South Africa to fulfil its international commitments in respect of the Territory, the General Assembly in 1966 terminated the League of Nations Mandate under which South Africa administered Namibia and itself assumed direct responsibility for the Territory. Subsequently, the Assembly created the United Nations Council for Namibia to take over the administration from South Africa and to lead Namibia to independence. South Africa's response to this and to subsequent resolutions of the Security Council, which called upon it to withdraw its administration from Namibia, at the latest by 4 October 1969, has so far been one of complete defiance. Not only has South Africa refused to comply or to recognize the United Nations Council for Namibia, but it has proceeded with plans to incorporate Namibia within its system of *apartheid* and, despite the overwhelming condemnation of the General Assembly and the Security Council, has applied repressive measures in an effort to stifle African opposition within the Territory. Faced with this rejection of its authority by a Member State, the Security Council called upon all States to refrain from any dealings with the Government of South Africa purporting to act on behalf of Namibia and, in a resolution adopted on 30 January 1970, initiated a study of ways and means of obtaining South Africa's compliance.

In the case of Southern Rhodesia, the legal aspect of the situation is different. There, the United Nations is concerned with a minority régime of white settlers who, in 1965, seized control of the Territory and illegally declared their independence from the United Kingdom. The Security Council has not only declared unequivocally that the situation constitutes a threat to international peace and security but, with the co-operation of the administering Power, it has since 1966 applied first selective and then extensive economic and financial sanctions in accordance with its powers under Article 41 of the Charter in an effort to bring down the illegal régime. In May 1968, when the Council called upon all States, including those which are not Members of the United Nations, to apply extensive sanctions covering all trade with Southern Rhodesia, it set up a watchdog committee to oversee and report to it on the application of the sanctions. As part of its duties, the committee examines suspected cases of violations and seeks the co-operation of Governments in the prevention of "sanctions busting" by clandestine trade.

One must be cautious in endeavouring to assess the effectiveness of the sanctions because the machinery of enforcement is complex and a sufficient time must elapse to bring it fully into operation. The most recent report of the committee issued last June revealed that, whereas most States were reportedly complying with the Security Council's resolution and their actions were producing a measurable effect on Southern Rhodesia's economy, there was still a substantial volume of illicit trade. The problem is largely due to the fact that South Africa and Portugal, which together control the main access routes to Southern Rhodesia, have so far failed to comply with the sanctions decision, and continue both to trade with Southern Rhodesia themselves and to permit the free flow of illicit trade between Southern Rhodesia and other countries.

In its last report to the Security Council, the committee observed that the sanctions had so far not produced the desired effect because of the refusal of these two States to apply them and because some other States had not yet done all that was required. While improvement of the machinery of sanctions will doubtless make them more effective, the problem created by the non-compliance of South Africa and Portugal remains. So far, despite a recommendation to that effect from the General Assembly, the Security Council has not agreed to increase the scope of sanctions against Southern Rhodesia or to extend the sanctions to cover South Africa and the Portuguese-ruled Territory of Mozambique.

In Angola, Mozambique and Guinea, called Portuguese Guinea, the basic problem today is not so much racialism as the inability of Portugal to admit that the era of colonialism is past. Alone among the European Powers, Portugal has refused to accept the principle of self-determination of the peoples in Territories under its control because under the Portuguese Constitution these Territories are considered to be not colonies at all but overseas provinces of Portugal, forming part of a single unitary and pluri-continental State. It underlines this by pointing to the fact that the "overseas provinces" do in fact elect representatives to the National Assembly of Portugal and other bodies (although the electoral laws, which restrict suffrage on the basis of education and wealth, allow only a very few Africans to vote). The General Assembly, rejected this position in 1960. It determined that the Territories were Non-Self-Governing Territories and that Chapter XI of the Charter applied to them.

In 1961, the situation was transformed by the outbreak of armed revolt in Angola, which later spread to Guinea—called Portuguese Guinea—and Mozambique. Today, Portugal is still engaged in three separate wars against African liberation movements in these Territories. Because the fighting has affected the security of neighbouring African States, the Security Council has been seized of the situation since 1961. Both the General Assembly and the Security Council have called upon Portugal to grant the Territories their right of self-determination, to cease all acts of repression and withdraw its armed forces. They have also called on all States to withhold assistance to Portugal which could be used to further its military efforts. Though the Security Council has not made use of the powers available to it under Chapter VII of the Charter, the Assembly has brought pressure to bear on Portugal by calling upon all States and specialized agencies of the United Nations to withhold assistance of any kind to Portugal until it changes its policy and has appealed to Member States to break off diplomatic, consular and trade relations with Portugal, an appeal which has, however, had only limited effect. Other United Nations actions have been directed towards supporting the people in their struggle for liberation by appealing to Member States to aid the liberation movements and by providing assistance, through the United Nations High Commissioner for Refugees and other bodies, to almost 450,000 refugees.

As the tenth anniversary of the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples approaches, it is well to pause and reflect on what has been accomplished and what remains to be done. The fact that twenty-eight million people are still denied their inalienable right to self-determination and independence can leave no room for complacency. Today the majority of Member States are more than ever convinced that the

perpetuation of colonial rule is not only contrary to the purposes and principles of the Charter, but is an anachronism in the modern world and an impediment to the promotion of world peace and co-operation. The tragic situation in southern Africa is particularly deplorable because it poisons international relations and carries within it the menace of enduring racial hatred. The problem will be solved only when all the States Members of the United Nations set aside economic and other interests and unite their efforts to achieve the common goal. The United Nations, pledged as it is to the principle of racial equality, cannot ignore this challenge.

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Declaration on Social Progress and Development

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On 11 December 1969, the United Nations General Assembly adopted and solemnly proclaimed the Declaration on Social Progress and Development which defined the principles of social development, its objectives, and the methods and means of achieving those objectives. Following this action, the Assembly recommended that all Governments should take into consideration in their policies, plans and programmes the principles, objectives and means and methods of the Declaration; urged them to take into account the provisions of the Declaration in their bilateral and multilateral relations in the field of development; and recommended that international organizations and agencies concerned with development should consider the Declaration as an important international document in the formulation of strategies and programmes designed to achieve social progress and development.

The text of the Declaration with the Assembly's resolution 2542 (XXIV) by which it was proclaimed appears in the following pages.

United Nations

THE GENERAL ASSEMBLY,

Mindful of the pledge of Members of the United Nations under the Charter to take joint and separate action in co-operation with the Organization to promote higher standards of living, full employment, and conditions of economic and social progress and development,

Reaffirming faith in human rights and fundamental freedoms and in the principles of peace, of the dignity and worth of the human person, and of social justice proclaimed in the Charter,

Recalling the principles of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Declaration of the Rights of the Child, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the International Convention on the Elimination of All Forms of Racial Discrimination, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples, the Declaration on the Elimination of Discrimination against Women and of resolutions of the United Nations,

Bearing in mind the standards already set for social progress in the constitutions, conventions, recommendations and resolutions of the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the United Nations Children's Fund and of other organizations concerned,

Convinced that man can achieve complete fulfilment of his aspirations only within a just social order and that it is consequently of cardinal importance to accelerate social and economic progress everywhere, thus contributing to international peace and solidarity,

Convinced that international peace and security on the one hand, and social progress and economic development on the

other, are closely interdependent and influence each other,

Persuaded that social development can be promoted by peaceful coexistence, friendly relations and co-operation among States with different social, economic or political systems,

Emphasizing the interdependence of economic and social development in the wider process of growth and change, as well as the importance of a strategy of integrated development which takes full account at all stages of its social aspects,

Regretting the inadequate progress achieved in the world social situation despite the efforts of States and the international community,

Recognizing that the primary responsibility for the development of the developing countries rests on those countries themselves and acknowledging the pressing need to narrow and eventually close the gap in the standards of living between economically more advanced and developing countries and, to that end, that Member States shall have the responsibility to pursue internal and external policies designed to promote social development throughout the world, and in particular to assist developing countries to accelerate their economic growth,

Recognizing the urgency of devoting to works of peace and social progress resources being expended on armaments and wasted on conflict and destruction,

Conscious of the contribution that science and technology can render towards meeting the needs common to all humanity,

Believing that the primary task of all States and international organizations is to eliminate from the life of society all evils and obstacles to social progress, particularly such evils as inequality, exploitation, war, colonialism and racism,

Desirous of promoting the progress of all mankind towards these goals and of overcoming all obstacles to their realization,

Solemnly proclaims this Declaration on Social Progress and Development and calls for national and international action for its use as a common basis for social development policies:

Part I Principles

Article 1

All peoples and all human beings without distinction as to race, colour, sex, language, religion, nationality, ethnic origin, family or social status, or political or other conviction, shall have the right to live in dignity and freedom and to enjoy the fruits of social progress and should, on their part, contribute to it.

Article 2

Social progress and development shall be founded on respect for the dignity and value of the human person and shall ensure the promotion of human rights and social justice, which requires:

(a) The immediate and final elimination of all forms of inequality, exploitation of peoples and individuals, colonialism and racism, including nazism and *apartheid* and all other policies and ideologies opposed to the purposes and principles of the United Nations;

(b) The recognition and effective implementation of civil and political rights as well as of economic, social and cultural rights without any discrimination.

Article 3

The following are considered primary conditions of social progress and development:

(a) National independence based on the right of peoples to self-determination;

(b) The principle of non-interference in the internal affairs of States;

(c) Respect for the sovereignty and territorial integrity of States;

(d) Permanent sovereignty of each nation over its natural wealth and resources;

(e) The right and responsibility of each State and, as far as they are concerned, each nation and people to determine freely its own objectives of social development, to set its own priorities and to decide in conformity with the principles of the Charter of the United Nations the means and methods of their achievement without any external interference;

(f) Peaceful coexistence, peace, friendly relations and co-operation among States irrespective of differences in their social, economic or political systems.

Article 4

The family as a basic unit of society and the natural environment for the growth and well-being of all its members, particularly children and youth, should be assisted and protected so that it may fully assume its responsibilities within the community. Parents have the exclusive right to determine freely and responsibly the number and spacing of their children.

Article 5

Social progress and development require the full utilization of human resources, including, in particular:

(a) The encouragement of creative initiative under conditions of enlightened public opinion;

(b) The dissemination of national and international information for the purpose of making individuals aware of changes occurring in society as a whole;

(c) The active participation of all elements of society, individually or through associations, in defining and in achieving the common goals of development with full respect for the fundamental freedoms embodied in the Universal Declaration of Human Rights;

(d) The assurance to disadvantaged or marginal sectors of the population of equal opportunities for social and economic advancement in order to achieve an effectively integrated society.

Article 6

Social development requires the assurance to everyone of the right to work and the free choice of employment.

Social progress and development require the participation of all members of society in productive and socially useful labour and the establishment, in conformity with human rights and fundamental freedoms and with the principles of justice and the social function of property, of forms of ownership of land and of the means of production

which preclude any kind of exploitation of man, ensure equal rights to property for all and create conditions leading to genuine equality among people.

Article 7

The rapid expansion of national income and wealth and their equitable distribution among all members of society are fundamental to all social progress, and they should therefore be in the forefront of the preoccupations of every State and Government.

The improvement in the position of the developing countries in international trade resulting, among other things, from the achievement of favourable terms of trade and of equitable and remunerative prices at which developing countries market their products is necessary in order to make it possible to increase national income and in order to advance social development.

Article 8

Each Government has the primary role and ultimate responsibility of ensuring the social progress and well-being of its people, of planning social development measures as part of comprehensive development plans, of encouraging and co-ordinating or integrating all national efforts towards this end and of introducing necessary changes in the social structure. In planning social development measures, the diversity of the needs of developing and developed areas, and of urban and rural areas, within each country, shall be taken into due account.

Article 9

Social progress and development are the common concerns of the international community, which shall supplement, by concerted international action, national efforts to raise the living standards of peoples.

Social progress and economic growth require recognition of the common interest of all nations in the exploration, conservation, use and exploitation, exclusively for peaceful purposes and in the interests of all mankind, of those areas of the environment such as outer space and the sea-bed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, in accordance with the purposes and principles of the Charter of the United Nations.

Part II Objectives

Social progress and development shall aim at the continuous raising of the material and spiritual standards of living of all members of society, with respect for and in compliance with human rights and fundamental freedoms, through the attainment of the following main goals:

Article 10

(a) The assurance at all levels of the right to work and the right of everyone to form trade unions and workers' associations and to bargain collectively; promotion of full productive employment and elimination of unemployment and underemployment, establishment of equitable and favourable conditions of work for all, including the improvement of health and safety conditions; assurance of just remuneration for labour without any discrimination as well as a sufficiently high minimum wage to ensure a decent standard of living; the protection of the consumer;

(b) The elimination of hunger and malnutrition and the guarantee of the right to proper nutrition;

(c) The elimination of poverty; the assurance of a steady improvement in levels of living and of a just and equitable distribution of income;

(d) The achievement of the highest standards of health, and the provision of health protection of the entire population, if possible free of charge;

(e) The eradication of illiteracy and the assurance of the right to universal access to culture, to free compulsory education at the elementary level and to free education at all levels; the raising of the general level of life-long education;

(f) The provision for all, particularly persons in low-income groups and large families, of adequate housing and community services.

Social progress and development shall aim equally at the progressive attainment of the following main goals:

Article 11

(a) The provision of comprehensive social security schemes and social welfare services, the establishment and improvement of social security and insurance schemes for all persons who, because of illness, disability or old age, are temporarily or permanently unable to earn a living, with a view to ensuring a proper standard of living for such persons and for their families and dependants;

(b) The protection of the rights of the mother and child; concern for the upbringing and health of children; the provision of measures to safeguard the health and welfare of women and particularly of working mothers during pregnancy and the infancy of their children, as well as of mothers whose earnings are the sole source of livelihood for the family; the granting to women of pregnancy and maternity leave and allowances without loss of employment or wages;

(c) The protection of the rights and the assuring of the welfare of children, the aged and the disabled; the provision of protection for the physically or mentally disadvantaged;

(d) The education of youth in, and promotion among them of, the ideals of justice and peace, mutual respect and understanding among peoples; the promotion of full participation of youth in the process of national development;

(e) The provision of social defence measures and the elimination of conditions leading to crime and delinquency, especially juvenile delinquency;

(f) The guarantee that all individuals, without discrimination of any kind, are made aware of their rights and obligations and receive the necessary aid in the exercise and safeguarding of their rights.

Social progress and development shall further aim at achieving the following main objectives:

Article 12

(a) The creation of conditions for rapid and sustained social and economic development, particularly in the developing countries; change in international economic relations, new and effective methods of international co-operation in which equality of opportunity should be as much a prerogative of nations as of individuals within a nation;

(b) The elimination of all forms of discrimination and exploitation and all other practices and ideologies contrary to the purposes and principles of the Charter of the United Nations;

(c) The elimination of all forms of foreign economic exploitation, particularly that practised by international monopolies, in order to enable the people of every country to enjoy in full the benefits of their national resources.

Social progress and development shall finally aim at the attainment of the following main goals:

Article 13

(a) Equitable sharing of scientific and technological advances by developed and developing countries, and a steady increase in the use of science and technology for the benefit of the social development of society;

(b) The establishment of a harmonious balance between scientific, technological and material progress and the intellectual, spiritual, cultural and moral advancement of humanity;

(c) The protection and improvement of the human environment.

Part III Means and Methods

On the basis of the principles set forth in this Declaration, the achievement of the objectives of social progress and development requires the mobilization of the necessary resources by national and international action, with particular attention to such means and methods as:

Article 14

(a) Planning for social progress and development, as an integrated part of balanced over-all development planning;

(b) The establishment, where necessary, of national systems for framing and carrying out social policies and programmes, and the promotion by the countries concerned of planned regional development, taking into account differing regional conditions and needs, particularly the development of regions which are less favoured or underdeveloped by comparison with the rest of the country;

(c) The promotion of basic and applied social research, particularly comparative international research applied to the planning and execution of social development programmes.

Article 15

(a) The adoption of measures to ensure the effective participation, as appropriate, of all the elements of society in the preparation and execution of national plans and programmes of economic and social development;

(b) The adoption of measures for an increasing rate of popular participation in the economic, social, cultural and political life of countries through national governmental bodies, non-governmental organizations, cooperatives, rural associations, workers' and employers' organizations and women's and youth organizations, by such methods as national and regional plans for social and economic progress and community development, with a view to achieving a fully integrated national society, accelerating the process of social mobility and consolidating the democratic system;

(c) Mobilization of public opinion, at both national and international levels, in support of the principles and objectives of social progress and development;

(d) The dissemination of social information, at the national and at the international level, to make people aware of changing circumstances in society as a whole, and to educate the consumer.

Article 16

(a) Maximum mobilization of all national resources and their rational and efficient

utilization; promotion of increased and accelerated productive investment in social and economic fields and of employment; orientation of society towards the development process;

(b) Progressively increasing provision of the necessary budgetary and other resources required for financing the social aspects of development;

(c) Achievement of equitable distribution of national income, utilizing, *inter alia*, the fiscal system and government spending as an instrument for the equitable distribution and redistribution of income in order to promote social progress;

(d) Adoption of measures aimed at prevention of such an outflow of capital from developing countries as would be detrimental to their economic and social development.

Article 17

(a) Adoption of measures to accelerate the process of industrialization, especially in developing countries, with due regard for its social aspects, in the interests of the entire population; development of an adequate organizational and legal framework conducive to an uninterrupted and diversified growth of the industrial sector; measures to overcome the adverse social effects which may result from urban development and industrialization, including automation; maintenance of a proper balance between rural and urban development, and in particular, measures designed to ensure healthier living conditions in large industrial centres;

(b) Integrated planning to meet the problems of urbanization and urban development;

(c) Comprehensive rural development schemes to raise the levels of living of the rural populations and to facilitate such urban-rural relationships and population distribution as will promote balanced national development and social progress;

(d) Measures for appropriate supervision of the utilization of land in the interests of society.

The achievement of the objectives of social progress and development equally re-

quires the implementation of the following means and methods:

Article 18

(a) Adoption of appropriate legislative, administrative and other measures ensuring to everyone not only political and civil rights but also the full realization of economic, social and cultural rights without any discrimination;

(b) The promotion of democratically-based social and institutional reforms and motivation for change basic to the elimination of all forms of discrimination and exploitation conducive to high rates of economic and social progress, to include land reform, in which the ownership and use of land will be made to serve best the objectives of social justice and economic development;

(c) The adoption of measures to boost and diversify agricultural production through, *inter alia*, the implementation of democratic agrarian reforms, to ensure an adequate and well-balanced supply of food, its equitable distribution among the whole population and the improvement of nutritional standards;

(d) The adoption of measures to introduce, with the participation of the Government, low-cost housing programmes in both rural and urban areas;

(e) Development and expansion of the system of transportation and communications, particularly in developing countries.

Article 19

(a) The provision of free health services to the whole population and of adequate preventive and curative facilities and welfare medical services accessible to all;

(b) The enactment and establishment of legislative measures and administrative regulations with a view to the implementation of comprehensive programmes of social security schemes and social welfare services and to the improvement and co-ordination of existing services;

(c) The adoption of measures and the provision of social welfare services to migrant workers and their families, in conformity with the provisions of the Convention No. 97 of the International Labour Conference and other international instruments relating to migrant workers;

(d) The institution of appropriate measures for the rehabilitation of mentally or physically disabled persons, especially children and youth, so as to enable them to the fullest possible extent to be useful members of society—these measures shall include the provision of treatment and technical appliances, education, vocation and social guidance, training and selective placement, and other assistance required—and the creation of social conditions in which the handicapped are not discriminated against because of their disabilities.

Article 20

(a) The provision of full democratic freedoms to trade unions; freedom of association for all workers, including the right to bargain collectively and to strike, recognition of the right to form other organizations of working people; the provision for the growing participation of trade unions in economic and social development; effective participation of all members of trade unions in the deciding of economic and social issues which affect their interests;

(b) The improvement of health and safety conditions for workers, by means of appropriate technological and legislative measures and the provision of the material prerequisites for the implementation of those measures, including the limitation of working hours;

(c) Adoption of appropriate measures for the development of harmonious industrial relations.

Article 21

(a) The training of national personnel and cadres, including administrative, executive, professional and technical personnel needed for social development and for over-all development plans and policies;

(b) The adoption of measures to accelerate the extension and improvement of gen-

eral, vocational and technical education and of training and retraining, which should be provided free at all levels;

(c) Raising the general level of education; development and expansion of national information media, and their rational and full use towards continuing education of the whole population and towards encouraging its participation in social development activities; the constructive use of leisure, particularly that of children and adolescents;

(d) The formulation of national and international policies and measures to avoid the "brain drain" and obviate its adverse effects.

Article 22

(a) Development and co-ordination of policies and measures designed to strengthen the essential functions of the family as a basic unit of society;

(b) The formulation and establishment, as needed, of programmes in the field of population, within the framework of national demographic policies and as part of the welfare medical services, including education, training of personnel and the provision to families of the knowledge and means necessary to enable them to exercise their right to determine freely and responsibly the number and spacing of their children;

(c) Establishment of appropriate child-care facilities in the interest of children and working parents.

The achievement of the objectives of social progress and development finally requires the implementation of the following means and methods:

Article 23

(a) The laying down of economic growth rate targets for the developing countries within the United Nations policy for development, high enough to lead to a substantial acceleration of their rates of growth;

(b) The provision of greater assistance of better terms; the implementation of the aid volume target of a minimum of 1 per cent of the gross national product at market prices of economically advanced countries;

the general easing of the terms of lending to the developing countries through low-interest rates on loans and long grace periods for the repayment of loans, and the assurance that the allocation of such loans will be based strictly on socio-economic criteria free of any political considerations;

(c) The provision of technical, financial and material assistance, both bilateral and multilateral, to the fullest possible extent and on favourable terms, and improved co-ordination of international assistance for the achievement of the social objectives of national development plans;

(d) The provision to the developing countries of technical, financial and material assistance and of favourable conditions to facilitate the direct exploitation of their national resources and natural wealth by those countries with a view to enabling the peoples of those countries to benefit fully from their national resources;

(e) Expansion of international trade based on principles of equality and non-discrimination; the rectification of the position of developing countries in international trade by equitable terms of trade; a general non-reciprocal and non-discriminatory system of preferences for the exports of developing countries to the developed countries; the establishment and implementation of general and comprehensive commodity agreements; and the financing of reasonable buffer stocks by international institutions.

Article 24

(a) Intensification of international co-operation with a view to ensuring the international exchange of information, knowledge and experience concerning social progress and development;

(b) The broadest possible international technical, scientific and cultural co-operation and reciprocal utilization of the experience of countries with different economic and social systems and different levels of development, on the basis of mutual advantage and strict observance of and respect for national sovereignty;

(c) Increased utilization of science and technology for social and economic development; arrangements for the transfer and exchange of technology, including know-how and patents to the developing countries.

Article 25

(a) Establishment of legal and administrative measures for the protection and improvement of the human environment on both national and international levels;

(b) The use and exploitation, in accordance with the appropriate international régimes, of the resources of areas of the environment such as outer space and the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, in order to supplement national resources available for the achievement of economic and social progress and development, in every country, irrespective of its geographical location, special consideration being given to the interests and needs of the developing countries.

Article 26

Compensation for damages, be they social or economic in nature—including restitution and reparations—caused as a result of aggression and of illegal occupation of territory by the aggressor.

Article 27

(a) The achievement of general and complete disarmament and the channelling of the progressively released resources to be used for economic and social progress for the welfare of people everywhere and, in particular, for the benefit of developing countries;

(b) The adoption of measures contributing to disarmament, including, *inter alia*, the complete prohibition of tests of nuclear weapons, the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and the prevention of the pollution of oceans and inland waters by nuclear wastes.

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UNITED NATIONS PROGRAMME OF ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

PROPERTY OF
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INTRODUCTION

The Charter of the United Nations reaffirms "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small". Indeed, one of the purposes of the United Nations is to achieve international co-operation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion", and all Members of the United Nations pledge themselves to take joint and separate action in co-operation with the Organization to achieve that purpose.

In a speech made in Rome in 1963 the Secretary-General of the United Nations, U Thant, said:

> "What is surprising is not that provisions on human rights were included in the Charter, but that it took humanity so long to acknowledge the interconnexion between human rights and its other aspirations. For what purpose is international peace and security to be maintained, if not to preserve the right to life, liberty and the pursuit of happiness? What is the use of economic development if it does not, in the words of the Charter, 'promote better standards of life in larger freedom'?"

The Secretary-General went on to list various modes of action

regarding the protection of human rights set out in the Charter, such as: discussion, study, recommendation, convention, conference, consultation with non-governmental organizations, establishment of commissions and subsidiary organs—including specifically the Commission on Human Rights—and technical and advisory services. He added that these methods "have been used in what can only be called an ever-increasing atmosphere of co-operation by Member States with the United Nations in its efforts to promote and encourage human rights".

During its first ten years, the United Nations concentrated on defining human rights and fundamental freedoms and establishing international norms or standards. The initial achievement in this field was the adoption of the Universal Declaration of Human Rights by the General Assembly on 10 December 1948. The Universal Declaration was proclaimed as "a common standard of achievement for all peoples and all nations" and has, since 1948, exercised great influence upon the affairs of men and nations. Governments have demonstrated their willingness to co-operate in matters relating to human rights by undertaking legal obligations through adherence to Conventions on various rights and freedoms adopted by the United Nations. For example, international Conventions are now in force to deal with slavery, the political rights of women, the nationality of married women, consent to marriage and registration of marriages, the status of refugees and stateless persons, the suppression of the traffic in persons, the international right of correction of false and distorted news dispatches, and the elimination of all forms of racial discrimination. Two international Covenants on human rights—one on civil and political rights and the other on economic, social and cultural rights have been adopted and opened for signature, ratification or accession, and one international Convention on the non-applicability of statutory limitations to war crimes and persons who have committed crimes against humanity.

The specialized agencies of the United Nations have also manifested their deep concern with the promotion and protection of human rights by the preparation of binding multilateral instruments. The International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization have adopted Conventions on the abolition of forced labour, discrimination in employment and occupation, equal remuneration for work of equal value, freedom of association and protection of the

right to organize, the right to collective bargaining, employment policy, and discrimination in education.

THE ADVISORY SERVICES PROGRAMME

In recent years a new element in the United Nations work in human rights, the so-called "action programme", has gained prominence. This programme has three main parts: (1) periodic reports on human rights; (2) studies of specific human rights; and (3) advisory services in the field of human rights. The purpose of this pamphlet is to trace the development of the third part of the programme, that is, the advisory services.

As early as 1953, the General Assembly of the United Nations had authorized provision by the Secretary-General of technical and advisory services to Governments, at their request, to assist in the promotion and safeguarding of the rights of women and in the eradication of discrimination and protection of minorities. In the following year, the scope of assistance of this type was extended to apply to the promotion of freedom of information. These separate programmes were consolidated in December 1955 when the General Assembly, by adopting resolution 926 (X), authorized the Secretary-General to provide for the following forms of assistance with respect to human rights:

(i) Advisory services of experts;
(ii) Fellowships and scholarships;
(iii) Seminars.

Under the programme of advisory services in the field of human rights established by this resolution, the Secretary-General determines the amount of assistance and the conditions under which it is to be rendered, with due regard to the greater needs of the developing areas. The assistance is provided only at the request of Governments, but is applicable to any subject in the field of human rights, in addition to the subjects covered by other resolutions of the General Assembly, provided, however, that the subject is one for which adequate advisory assistance is not available through a specialized agency and that it does not fall within the scope of existing technical co-operation programmes. Under this resolution, the Secretary-General reports regularly to the Commission on Human Rights and, as appropriate, to the Commission on the

Status of Women, on the measures he has taken to carry out the advisory services programme. International and national non-governmental organizations, universities, philanthropic foundations and other private groups are expected to supplement this United Nations programme with similar activities.

DEVELOPMENT OF THE ADVISORY SERVICES PROGRAMME

From the inception of the advisory services programme emphasis has been placed on "down to earth" aspects of human rights problems. Through the medium of seminars and fellowships, people in key positions have learned at first-hand how human rights are protected and ensured at the working level—through court procedures and legal processes, through legislation, administrative regulation and the organization of the civil service, through the Press and other communications media, and through the participation of citizens in the everyday life of the community. At the same time their attention has been focused upon areas where progress has yet to be achieved and directed to ways and means of tackling various problems.

Only a few Governments have availed themselves of the expert services provided for under the programme. One Government, for example, asked for and received advice concerning electoral laws, procedures and techniques. In 1969 the Secretary-General, at the request of the Government of Cameroon, provided the services of an expert to advise, under the programme, on the promotion in Cameroon of the participation of women in national affairs and national development with particular emphasis on community development. Mainly, however, the programme has concentrated on seminars and on fellowships.

SEMINARS ON HUMAN RIGHTS

Shortly after the adoption of the consolidated advisory services programme by the General Assembly, the late Secretary-General, Dag Hammarskjöld, outlined to the Commission on Human Rights his conception of the role which seminars should play under the programme in the following words:

"The main purpose of the programme, as I understand it to be developing, should be to give Governments an opportunity to exchange their experience in solving or attempting to solve certain problems. The initiative in organizing such an exchange —through seminars or other means—might be taken by Governments that have been particularly successful in their treatment of the question to be studied rather than by those that are in difficulty. It is to be hoped, for example, that a Government that has had a long and particularly fruitful experience in the use of legislative and administrative techniques for the prevention of discrimination might take the initiative in organizing a seminar to which key people—official and unofficial—from other countries could be invited; and I am sure that there would not be a lack of countries which would welcome the opportunity to send representatives to such a seminar. It is not difficult to think of other examples. Thus, a country that has had significant experience with problems affecting minorities might organize a seminar on the protection of minorities. Or a group of Governments might organize a seminar to discuss common or regional problems. Governments, to put it briefly, should move from strength rather than from weakness.

"Perhaps the most important purpose of these seminars would be to bring key people together for short periods of time to stimulate their thinking and through their leadership to encourage greater awareness of problems of human rights within official circles. I also think that much can be gained through making tried techniques better known throughout the world. These informal discussions may well yield some surprises and also countries whose systems for the protection of human rights are advanced may discover that there is a great deal to learn from the experiences of other countries.

"The discussions would not, I hope, be one-sided or in any sense pedantic, and all participants would be expected to make a positive contribution. The Secretariat is anxious to make a contribution towards the success of such a programme, but obviously its success will depend on the leadership assumed by, and the advice coming from, Governments and this Commission and the other organs concerned."

The human rights seminars have, in fact, developed along the

lines foreseen by the Secretary-General. By the end of 1969, 36 seminars had been organized at the invitation of host Governments in Asia and the Far East, Africa, Europe and the Western Hemisphere. Of these, 30 seminars were organized on a regional basis, the other six had a world-wide composition. Most of the topics have been discussed in cycles, at seminars on similar subjects organized in different regions of the world. For example, seminars on the protection of human rights in criminal law and procedure have been held in Asia and the Far East and in Latin America. One on a closely-related subject, the protection of human rights in criminal procedure, was held in Europe. Two seminars on related topics, one on the role of substantive criminal law in the protection of human rights and the purposes and legitimate limits of penal sanctions and the other on the protection of human rights in the administration of criminal justice, were also organized for countries in the Asia and Far East region.

A cycle of seminars was also organized on "judicial and other remedies against the illegal exercise or abuse of administrative authority", in Asia and the Far East, in the Western Hemisphere, and in Europe, while a seminar on "*amparo, habeas corpus* and similar remedies" was held for the Western Hemisphere.

A seminar on freedom of information for countries in Asia and the Far East in New Delhi, 1962 was followed in 1964 by one on the same subject for the European region. Another topic which aroused considerable interest was "The role of the police in the protection of human rights", which was discussed at a seminar held in Australia in 1963. Also attracting wide interest were the seminars on "human rights in developing countries", held in 1964 for Asia and the Far East, in 1966 for Africa, on a regional basis, and one on a world-wide basis held in Cyprus in 1969.

Participation in local administration as a means of promoting human rights was the topic of a European seminar in Hungary in 1966. The rights proclaimed in the Universal Declaration of Human Rights formed the topics of two seminars. The effective realization of civil and political rights at the national level was discussed in Jamaica, while the realization of economic and social rights was examined in Poland. Both seminars were held in 1967.

A series of four seminars dealing with the participation of women in public life was held in Asia and the Far East, in the Western Hemisphere and in Africa; a like number of seminars

have discussed the status of women in family law. The first in a series of seminars on the civic and political education of women was held in Helsinki, Finland, in August 1967; the second was held in Ghana in November-December 1968. In 1966, a seminar in the Philippines considered the measures required for the advancement of women with special reference to the establishment of a long-term programme. A seminar discussed the effects of scientific and technological developments on the status of women in Iasi, Romania, in August 1969.

The Helsinki seminar was one of a series of seminars which have been held on an international rather than a regional basis. This major development allows countries representing all cultures and regions to nominate participants to discuss a topic of common interest. In addition to those in Finland and Cyprus, international seminars have been held in Yugoslavia, on human rights in a multinational society (1965); in Brazil, on *apartheid* (1966); in the United Kingdom, on freedom of association (1968); and in India, on the elimination of all forms of racial discrimination (1968).

A list of the seminars held up to the end of 1969 appears on the final pages of this pamphlet, together with the symbols of the seminar reports.

Human rights seminars usually are scheduled for a two-week period, and the participants, while nominated by Governments, attend in their personal capacity at the invitation of the Secretary-General. They are invariably highly qualified in their respective fields, and include cabinet ministers and deputy ministers, attorneys-general, solicitors-general, judges of supreme courts and high courts, senior Government officials, newspaper publishers, editors and writers, women leaders and persons of similar status.

Specialized agencies of the United Nations system which have an interest in the subject-matter are invited to designate representatives. The Secretary-General also invites non-governmental organizations in consultative status with the Economic and Social Council, whose aims and purposes are closely related to the seminar topic, to nominate observers.

The seminar discussions are documented by background papers prepared by expert consultants. In addition, each participant is invited to submit a paper outlining the relevant experience in his own country, so that the seminar can proceed at once to discuss

and compare experiences throughout the region. The participants are as a rule interested in specific human rights problems, and they exchange information and experience at the working level.

The seminar reports, which succinctly summarize the discussions, have aroused wide interest in both Government and academic circles. It is, of course, difficult to establish definite causal connexions between seminar discussions and Government policy; there have, however, been a number of indications that the experience acquired by national participants at human rights seminars has later been used to develop practical ways of promoting and protecting human rights. Interest in the seminars has been reflected in numerous articles, discussions and studies which testify both to the timeliness of the seminar topics and to the need for information on comparative practice. In an attempt to meet the demand for material of this type, selections of background papers prepared for two of the seminars by expert consultants have been issued, dealing respectively with remedies against the abuse of administrative authority and with the effective realization of civil and political rights at the national level.

Commenting on the philosophy underlying these human rights seminars, the Secretary-General, U Thant, summarized the potential value of the programme in the following terms:

> "A question frequently asked is whether there are any barriers to co-operation when the very basis of the relationship between the individual and the State differs among many countries. Such barriers have not proved insurmountable obstacles to United Nations efforts, because countries and people are increasingly recognizing that no country and no people has a monopoly on rightness, liberty and human dignity. Besides, when countries can learn from each other's experiences and exchange these experiences as they do, for instance, in the regional seminars under the advisory services programme on human rights, they are already moving along the road to that understanding which is indispensable to communication across political and other barriers."

The International Conference on Human Rights, which was held in Teheran in 1968, reaffirmed the belief that human rights seminars can effectively promote understanding of human rights. The Conference specifically referred to the role such seminars

could play in the elimination of racial discrimination in the political, economic, social and cultural fields (Resolution VI), in dealing with subjects of special concern to youth (Resolution XX), and in the realization of economic, social, and cultural rights (Resolution XXI).

HUMAN RIGHTS FELLOWSHIPS

Human rights fellowships are awarded annually under the advisory services programme. Designed to meet the need for comparison of experience at a somewhat different level than that provided by the seminars, the fellowship awards give recipients opportunities to observe institutions, practices and policies on the day-to-day working basis, and to relate the knowledge gained to comparable practices in their own countries. Since 1962, when the General Assembly decided that the programme of advisory services should be further expanded to permit the award of at least double the number of fellowships available in 1962, approximately 50 human rights fellowships have been awarded each year.

Sustained interest has been shown in the fellowship programme as Governments have been nominating a total of about 100 candidates a year. In 1969, approximately 90 applications for human rights fellowships were reviewed and about 46 awards were made to candidates from the following 30 countries: Australia, Barbados, Brazil, Burundi, Costa Rica, Czechoslovakia, El Salvador, Ghana, India, Indonesia, Iraq, Japan, Kenya, Madagascar, Nepal, New Zealand, Nigeria, Pakistan, Paraguay, Philippines, Poland, Romania, Singapore, Somalia, Sudan, Thailand, Togo, United Arab Republic, United Kingdom, and Yugoslavia.

Fellowships may be awarded in any subject in the field of human rights, provided only that the subject is one for which adequate advisory assistance is not available through a specialized agency and which does not fall within the scope of existing technical assistance programmes.

The following are examples of fellowship topics:

Protection of human rights in a multinational society;

The right of asylum, with special reference to measures safeguarding the human rights of refugees;

Measures designed to advance observance of the human rights of

the indigenous population, with particular reference to matters concerning sedentarization of nomads;

Protection of the human rights of immigrants and resident aliens;

Advancement of human rights in the formulation and implementation of economic and social legislation;

Participation in local administration as a means of promoting human rights;

Legislation, decrees and regulations concerning human rights, in relation to the implementation of national development plans;

Protection of rights relating to individual ownership or property;

Methods of implementation at the national level of international Conventions on human rights with regard to both law and practice;

Protection of human rights in the administration of justice;

Protection of human rights of juvenile delinquents in the administration of justice in children's courts;

Role of the police in the protection of human rights;

Legal aid and legal advice provisions for indigent persons in civil and criminal courts;

Judicial and other remedies against the abuse of administrative authority;

Protection of the human rights of persons in military service;

Role of the public prosecutor in the protection of human rights;

Protection of human rights in criminal procedure;

The use of writs of habeas corpus *in the protection of human rights;*

Right of the accused to a speedy trial;

Abolition of the death penalty and alternative modes of punishment;

Protection of the human rights of convicted and released offenders and of their families;

Drafting and implementation of legislation related to the protection of the rights of the child and of the family;

Rights of the child, with particular reference to the protection of the rights of children placed for adoption and of children born out of wedlock;

Status of women in family law, with special reference to the administration of justice in family courts;

Civic activities of women;

Participation of women in public life, with special emphasis on the role of women's organizations at the national and local levels;

The role of women's bureaux and related Government offices in furthering the status of women through legislative and other means;

Equal employment opportunities for women.

These examples, of course, by no means exhaust the possible areas of award.

Most of the fellowships are relatively short-term, lasting one to six months; the majority last from two to four months. This relatively brief duration is necessitated by various factors, including the important posts held by the fellows (in many cases their Governments cannot do without their services for a long period of time), budgetary limitations, and the facilities offered by the host Government.

In evaluating applications, special attention is paid to the present position and future career prospects of candidates nominated by their Governments. Most fellowship holders have been Government officials between the ages of 25 and 45. Although selection is made partially on the basis of the General Assembly's directive in resolution 926 (X) to consider the "greater needs of the underdeveloped areas", both the developed and developing countries are well represented in the fellowship programme. Placement of fellows is arranged with a view to providing them with an opportunity to observe comparable practices and institutions abroad which are relevant to their own work at home. This placement has been in line with the objectives of the studies which have been to improve existing procedures, draft new laws, modify existing legislation, or acquire other countries' experience with existing or new institutions or techniques. It is accordingly not the practice under this programme to award fellowships for work of an academic nature.

A recent development has been the organization of regional group-training projects on human rights. The first such training project was held in Japan for countries in Asia and the Far East;

the project, in operation from 15 June to 26 July 1967, dealt with two problems: human rights in the administration of justice and human rights and penal sanctions. This experimental training project was considered so successful that a second was planned and implemented in 1968, when the Government of Poland was host to fellows from the French-speaking countries of Africa for a training project which ended 9 August 1968. The training project dealt with the realization of the rights of the child through planning and administration at the national and local levels. Additional projects are being planned for future years.

As with other United Nations technical assistance programmes, candidates for human rights fellowships are only considered for awards at the request of Governments. The applications are forwarded through the appropriate office of the Resident Representative of the United Nations Technical Assistance Board; where there is no Resident Representative, Governments may forward applications directly to the Training and Fellowships Branch of the Office of Technical Co-operation, United Nations, New York.

List of Seminars organized under the Advisory Services Programme 1957 through 1969

Seminar on the civic responsibilities and increased participation of Asian women in public life, Bangkok, Thailand, 5-16 August 1957 (ST/TAA/HR/1).

Seminar on the protection of human rights in criminal law and procedure, Baguio City, Philippines, 17-28 February 1958 (ST/TAA/HR/2).

Seminar on the protection of human rights in criminal law and procedure, Santiago, Chile, 19-30 May 1958 (ST/TAA/HR/3).

Seminar on judicial and other remedies against the illegal exercise or abuse of administrative authority, Peradeniya (Kandy), Ceylon, 4-15 May 1959 (ST/TAO/HR/4).

Seminar on participation of women in public life, Bogotá, Colombia, 18-29 May 1959 (ST/TAO/HR/5).

Seminar on judicial and other remedies against the illegal exercise or abuse of administrative authority, Buenos Aires, Argentina, 31 August-11 September 1959 (ST/TAO/HR/6).

Seminar on the role of substantive criminal law in the protection of human rights, and the purposes and legitimate limits of penal sanctions, Tokyo, Japan, 10-24 May 1960 (ST/TAO/HR/7).

Seminar on the protection of human rights in criminal procedure, Vienna, Austria, 20 June-1 July 1960 (ST/TAO/HR/8).

Seminar on participation of women in public life, Addis Ababa, Ethiopia, 12-23 December 1960 (ST/TAO/HR/9).

Seminar on the protection of human rights in the administration of criminal justice, Wellington, New Zealand, 6-20 February 1961 (ST/TAO/HR/10).

Seminar on the status of women in family law, Bucharest, Romania, 19 June-3 July 1961 (ST/TAO/HR/11).

Seminar on *amparo, habeas corpus* and other similar remedies, Mexico City, Mexico, 15-28 August 1961 (ST/TAO/HR/12).

Seminar on freedom of information, New Delhi, India, 20 February-5 March 1962 (ST/TAO/HR/13).

Seminar on the status of women in family law, Tokyo, Japan, 8-21 May 1962 (ST/TAO/HR/14).

Seminar on judicial and other remedies against the abuse of administrative authority with special emphasis on the role of parliamentary institutions, Stockholm, Sweden, 12-25 June 1962 (ST/TAO/HR/15).

Seminar on the role of the police in the protection of human rights, Canberra, Australia, 30 April-14 May 1963 (ST/TAO/HR/16).

Seminar on the rights of the child, Warsaw, Poland, 6-19 August 1963 (ST/TAO/HR/17).

Seminar on the status of women in family law, Bogotá, Colombia, 3-16 December 1963 (ST/TAO/HR/18).

Seminar on freedom of information, Rome, Italy, 7-20 April 1964 (ST/TAO/HR/20).

Seminar on human rights in developing countries, Kabul, Afghanistan, 12-25 May 1964 (ST/TAO/HR/21).

Seminar on the status of women in family law, Lomé, Togo, 18-31 August 1964 (ST/TAO/HR/22).

Seminar on the multinational society, Ljubljana, Yugoslavia, 8-22 June 1965 (ST/TAO/HR/23).

Seminar on the participation of women in public life, Ulan Bator, Mongolia, 3-17 August 1965 (ST/TAO/HR/24).

Seminar on human rights in developing countries, Dakar, Senegal, 8-22 February 1966 (ST/TAO/HR/25).

Seminar on the participation in local administration as a means of promoting human rights, Budapest, Hungary, 14-27 June 1966 (ST/TAO/HR/26).

Seminar on *apartheid*, Brasilia, Brazil, 23 August-4 September 1966 (ST/TAO/HR/27).

Seminar on measures required for the advancement of women with special reference to the establishment of a long-term programme, Manila, Philippines, 6-19 December 1966 (ST/TAO/HR/28).

Seminar on the effective realization of civil and political rights at the national level, Kingston, Jamaica, 25 April-8 May 1967 (ST/TAO/HR/29).

Seminar on the civic and political education of women, Helsinki, Finland, 1-14 August 1967 (ST/TAO/HR/30).

Seminar on the realization of economic and social rights contained in the Universal Declaration of Human Rights, Warsaw, Poland, 15-28 August 1967 (ST/TAO/HR/31).

Seminar on freedom of association, London, United Kingdom, 18 June-1 July 1968 (ST/TAO/HR/32).

Seminar on the question of the elimination of all forms of racial discrimination, New Delhi, India, 27 August-9 September 1968 (ST/TAO/HR/34).

Seminar on the civic and political education of women, Accra, Ghana, 19 November-2 December 1968 (ST/TAO/HR/35).

Seminar on special problems relating to human rights in developing countries, Nicosia, Cyprus, 26 June-9 July 1969 (ST/TAO/HR/36).

Seminar on the effects of scientific and technological developments on the status of women, Iasi, Romania, 5-18 August 1969 (ST/TAO/HR/37).

Seminar on the establishment of regional commissions on human rights with special reference to Africa, Cairo, United Arab Republic, 2-15 September 1969. (ST/TAO/HR/38).

Seminar on the role of youth in the promotion and protection of human rights, Belgrade, Yugoslavia, 2-12 June 1970 (ST/TAO/HR/39).

Seminar on the realization of economic and social rights with particular reference to developing countries, Lusaka, Zambia, 23 June-4 July 1970 (ST/TAO/HR/40).

Seminar on the participation of women in the economic life of their countries (with reference to the implementation of article 10 of the Declaration on the Elimination of Discrimination against Women), Moscow, Union of Soviet Socialist Republics, 8-21 September 1970 (ST/TAO/HR/41).

SELECTED STUDIES ON HUMAN RIGHTS

Remedies against the abuse of administrative authority (ST/TAO/HR/19).

Effective realization of civil and political rights at the national level (ST/TAO/HR/33).

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